

FILED
Clerk
District Court

AUG 02 2022

for the Northern Mariana Islands
By 
(Deputy Clerk)

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

JOSE C. MAFNAS,

Plaintiff,

vs.

**WILLIAM M. CASTRO, in his personal
capacity, and in his official capacity as the
Chief of Staff of the Office of the Governor,
DAVID DLG. ATALIG, in his personal
capacity, and in his official capacity as the
Secretary of Finance of the Department of
Finance, and THE COMMONWEALTH
OF THE NORTHERN MARIANA
ISLANDS,**

Defendants.

Civil Case No. 1:22-cv-00009

**TEMPORARY RESTRAINING
ORDER**

Date and Time Issued: **August 2, 2022 at
8:30 a.m.**

Expiration Date and Time: **August 16,
2022 at 8:30 a.m.**

GOOD CAUSE APPEARING, the Court hereby **GRANTS** Plaintiff Jose C. Mafnas's Motion for Temporary Restraining Order (ECF No. 2) pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, finding as follows:

1. A temporary restraining order is necessary to preserve the status quo because the facts as alleged in the Verified Complaint (ECF No. 1) and based on the arguments and law presented in the Motion for Temporary Restraining Order and Preliminary Injunction (ECF No. 2) and the Memorandum of Law in Support of Motion for Temporary

1 Restraining Order and Preliminary Injunction (ECF No. 2-1) demonstrate ongoing
2 irreparable injury in the form of the loss of Plaintiff's property interest in his continued
3 employment as a civil service employee, without any due process, and the chilling of
4 his constitutional right to freedom of speech and to freely associate, which damage is
5 ongoing and will continue to occur while a hearing on the Plaintiff's Motion for
6 Preliminary Injunction is pending.
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- 8 2. These damages are difficult to calculate, and the potential extent of the severity of the
9 damage to rights protected by the U.S. and CNMI Constitutions necessitate immediate
10 action without further notice, particularly because here the constitutional violations
11 constitute irreparable harm.
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14 The Court therefore ORDERS that:

- 15 1. Defendant Secretary of Finance David DIG. Atalig is hereby restrained from effecting
16 his July 21, 2022 Memorandum purporting to reassign Plaintiff to a position within
17 the CNMI Department of Commerce.
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19 2. Defendant Secretary of Finance David DIG. Atalig is ordered to maintain the status
20 quo as it was before the pending controversy, with Plaintiff employed as the Director
21 of Customs and Biosecurity under the Department of Finance until such time that the
22 Court has held a hearing on and decided on the Motion for Preliminary Injunction
23 pursuant to Rule 65(a) of the Federal Rules of Civil Procedure.
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25 3. The hearing on Plaintiff's Motion for Preliminary Injunction is hereby set for on
26 **August 15, 2022 at 1:30 p.m.** Defendants are ordered to show cause at this hearing
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1 before **the Honorable Ramona V. Manglona, District Judge of this Court, in the**
2 **Third Floor Courtroom at 1671 Gualo Rai Road, Saipan, MP 96950 on August**
3 **15, 2022 at 1:30 p.m.** why a preliminary injunction, pursuant to Rule 65(a) of the
4 Federal Rules of Civil Procedure, should not issue herein.

5 4. Defendants' responses, if any, shall be filed with this Court and served upon Plaintiff's
6 counsel **on or before August 8, 2022 at 5:00 p.m.** Plaintiff shall file his reply, if any,
7 no later than **August 11, 2022 at noon.**

8 5. This Order shall expire on **August 16, 2022 at 8:30 a.m.**

9 6. Plaintiff shall post Security in the amount of \$500 no later than August 3, 2022 at
10 12:00 p.m.

11 DEFENDANTS ARE HEREBY NOTIFIED THAT ANY ACTION BY THEM IN
12 VIOLATION OF THE TEMPORARY RESTRAINING ORDER MAY BE CONSIDERED
13 AND PROSECUTED AS CONTEMPT OF THIS COURT.

14 DEFENDANTS ARE HEREBY FURTHER NOTIFIED THAT FAILURE TO ATTEND
15 THE PRELIMINARY INJUNCTION HEARING SCHEDULED HEREIN SHALL RESULT IN
16 THE IMMEDIATE ISSUANCE OF THE PRELIMINARY INJUNCTION, WHICH SHALL BE
17 DEEMED TO TAKE EFFECT IMMEDIATELY UPON THE EXPIRATION OR
18 DISSOLUTION OF THE TEMPORARY RESTRAINING ORDER HEREIN AND SHALL
19 EXTEND DURING THE PENDENCY OF THIS ACTION.

20 DEFENDANTS ARE HEREBY FURTHER NOTIFIED THAT THEY SHALL BE
21 DEEMED TO HAVE ACTUAL NOTICE OF THE ISSUANCE AND TERMS OF SUCH
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1 PRELIMINARY INJUNCTION AND THAT ANY ACT BY THEM IN VIOLATION OF ANY
2 OF ITS TERMS MAY BE CONSIDERED AND PROSECUTED AS CONTEMPT OF COURT.

3 **Plaintiff is ordered to serve a copy of this temporary restraining order to Defendants**
4 **no later than August 2, 2022 at 4:30 p.m. This temporary restraining order is issued this**
5 **2nd day of August, 2022 at 8:30 a.m., and shall expire on August 16, 2022 at 8:30 a.m., unless**
6 **extended by this Court.**

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8 **SO ORDERED** on this 2nd of August, 2022.

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11 RAMONA V. MANGLONA
12 Chief Judge
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